

Nebraska Judicial News

Special Events Publication of the Nebraska Supreme Court

April 2006

Supreme Court Office of Dispute Resolution Extends Mediation Opportunities through Centers, the Bar, Courts, and Law Schools



Debora Brownyard, Director of the Office of Dispute Resolution, discusses opportunities for mediation with J. Terry Macnamara, private mediator and attorney for McGrath, North, Mullin & Kratz in Omaha during an NCLE probate seminar in Omaha.

Dispute Resolution Roles

Debora Brownyard, Director of the Office of Dispute Resolution (ODR) in Nebraska, summarizes the Office's role as being one with a dual focus. She describes the first focus as being "vertical" and relating to ODR's relationship with the six regional ODR-approved mediation centers, which includes meeting statutory requirements, annual review of policies, practices, and enhancement of the mediation centers' services to Nebraska's citizens and courts. She explains the Office's corresponding focus as being more "horizontal," in working with other Nebraska organizations and individuals to increase awareness and strategic use of alternative dispute resolution (ADR) in Nebraska in a multitude of arenas, legal, social service, and educational.

Partnering with NCLE and Private Attorney Mediators

On March 17th, ODR provided an ADR information table for attorneys attending the NCLE Probate and Estate Seminar in Omaha. At that seminar, private attorney mediator J. Terry Macnamara gave a presentation on mediation of probate disputes, describing how those cases are very well suited for the joint session, interest-based model of mediation. ODR is happy to state that early on in Mr. Macnamara's mediation career, he participated in one of the ODR - NCLE Basic Mediation Training Skills Seminar.

Partnering with ODR-affiliated Mediation Centers to Provide Mediation Services

During the period July 1, 2004 to June 30, 2005, the six statewide ODR-approved nonprofit mediation centers' caseloads increased by 20 percent to 1,729 cases from 1,438. Following is a breakdown of casetypes across the State's 93 counties. A more detailed report of case statistics is found on the ODR web site.

Opened Mediation Cases:
Family/domestic relations: 643
Restorative justice: 120
Family group conferencing: 298
Community disputes: 363
Facilitations: 204
Other: 120
TOTAL: 1,729

Because of the active efforts of the staff and affiliated mediators of the statewide ODR-approved mediation centers, Nebraskans are becoming increasingly aware of dispute resolution services that are accessible and affordable in their local communities.



Expanding Mediation Through Partnerships

Vice Chair of the Dispute Resolution Advisory Council Linda Sanchez-Masi (l), Director of NSBA Continuing Legal Education Kathryn Bellman (r), and Director of Training and Facilitation at The Mediation Center Dave Hubbard participate in education discussion at the Werner Institute



Central Mediation Center, Kearney, Executive Director Lynne Favinger cites evidence that having professionally trained mediators throughout the state is having a ripple effect in both urban and rural communities. Mediation skills observed and learned by local leaders are showing up in numerous organizations and contributing to advancing the resolution of the significant issues that affect the individual and collective quality of life for Nebraskans.

Expanding and Sustaining Mediation Through Justice System-Based Educational Partnerships

Brownyard believes that by expanding educational opportunities for members of the bar and bench, that the use of mediation and other forms of ADR as a viable and vital strategy for the clients will significantly increase. To enhance the judicial branch's use and understanding, Brownyard earlier this year updated the *Nebraska Mediation & ADR Handbook for Judges & Court Staff* and has included that and additional resources on the ODR web site.

Educators' Exploratory Meetings

NSBA ADR Section Chair Robert Kirby and Arthur Pearlstein, Director of Creighton Law's Werner Institute, cohosted a March 7th meeting of justice system educators to dialogue about the current and future prospects for ADR education in Nebraska.

Other persons attending that meeting included UNL Law College Professors Alan Frank and Susan Franck; Werner Institute co-director Jacquelyn Font-Guzman; Creighton Law Professor Ronald Volkmer; ADR Section members Robert Wagoner, Lorin Galvin, Lynnette Boyle, Michael Mullin, David Hubbard, Linda Sanchez-Masi; NCLE Director Kathryn Bellman; ODR/NMCA Training Institute Coordinator Kelly Riley; ODR Advisory Council Chair James Gordon; and ODR Director Debora Brownyard.

ADR Principles for Attorney Advocates Seminar May 19th in Omaha

Brownyard names Nebraska Continuing Legal Education (NCLE) and members of the ADR section of the Nebraska State Bar Association as partners and advocates for providing mediation and mediation training. She credits both these groups with expanding networking options for attorneys and others interested in ADR, particularly in enhancing skills for attorney advocates in mediation. An NCLE seminar entitled "ADR Principles and Practices for Attorney Advocates" is being cosponsored by this partnership and is scheduled for Friday, May 19th, in Omaha.

ODR/NMCA Training Institute

ODR partners with the NMCA Training Institute, whose primary purpose is to provide mediation training to center affiliated and independent mediator participants. All six mediation centers are voluntary members of



Professor Susan Franck of the UNL College of Law; Arthur Pearlstein, Director of the Werner Institute for Negotiation and Dispute Resolution at Creighton University School of Law; Lorin Galvin, Director of the Douglas County Conciliation and Mediation Services; and Professor Alan Frank of the UNL College of Law consider ideas for ADR education for Nebraska lawyers and judges.

Expanding Mediation Through Partnerships



Tara Muir, Nebraska Domestic Violence and Sexual Assault Coalition (l) Dave Hubbard, Director of Training and Facilitation at The Mediation Center (center) and Lynne Favinger, Director of the Central Mediation Center (r) consult during a teaching break at the March 30th Family Mediation training.



the Nebraska Mediation Center Association (NMCA) and actively engage as Lead Faculty for two of NMCA's standard mediation training courses - Basic Mediation Training and Family Mediation Training.

Nebraska Law Schools

Brownyard indicates that the University of Nebraska-Lincoln College of Law and Creighton University School of Law have been important partners in ADR education, with their over-a-decade commitment through involved faculty leadership and coursework. Putting Nebraska on the national ADR map is Creighton Law School's new Werner Institute for Negotiation and Dispute Resolution, established in 2005 through a generous gift from the C.L. Werner family. The Werner Institute, directed by Arthur Pearlstein, has just announced a new interdisciplinary program toward achieving master's degrees and graduate certificates in negotiation and dispute resolution.

Mediation of Domestic Relations and Family Cases

Domestic relations and other types of family mediation cases are the largest type of disputes mediated by ODR-approved centers. Brownyard reports that domestic relations cases comprise 38 percent of the total ODR caseload statewide, and nearly 50 percent of the caseloads for two of the six centers. Family Group Conferencing (FGC), used for child welfare neglect, abuse, and delinquency cases, provided

through a contract with the Nebraska Department of Health and Human Services (DHHS), accounts for a total of 18 percent of cases statewide.

One of the centers where Family Group Conferencing comprises nearly one-quarter of its cases is Central Mediation Center (CMC) in Kearney, which serves 31 counties in central and south central Nebraska. Together with domestic relations mediation, these categories contribute to 62 percent of this center's total caseload. Executive Director Lynne Favinger reports that in the arena of child abuse and neglect, an encouraging trend is judges' recommendations to DHHS that more cases be referred to the CMC for family group conferencing and mediation of parenting plans. Favinger comments, "We want to be able to come to a resolution in which the best interests of children are achieved."

Education for Family Mediators

All mediators involved in mediating cases under the Nebraska Parenting Act must have successfully completed the ODR/NMCA Training Institute's Family Mediation Training course, or an equivalent. Since its inception in 1993, all Family Mediation trainings offered have included partnerships with the Nebraska Domestic Violence and Sexual Assault Coalition and its affiliate local organizations to create and deliver the family violence awareness curricula to family mediator trainees.

Douglas County District Court Conciliation and Mediation Services

A significant provider of mediation and ADR for parenting cases in Omaha is the Douglas County District Court Conciliation and Mediation Services (DCCMS), a unique Douglas County District Court created court-based program that



Douglas County Conciliation Services Director, Lorin Galvin teaches the Family Law and Rule 4.3 segment during recent mediation training.



Contact Information
for the ODR-
approved mediation
centers can be found
on the web or by
contacting Office of
Dispute Resolution
402-471-2766,
dbrownya@nsc.
state.ne.us.

NMCA:
www.nemediation.org
ODR:
[www.nebraskacourt.com/
mediation](http://www.nebraskacourt.com/mediation)

Expanding Mediation Through Partnerships

mediates about 300 parenting cases per year. While DCCMS is not directly linked to the Nebraska Office of Dispute Resolution by statute, it is an active partner with ODR and mediation activities in the state. Director Lorin Galvin, coordinates the program, serves as mediator for specialized cases, and works on many levels to advance mediation and ADR in the state. Galvin has been a regular guest faculty at Family Mediation Training. Under Douglas

County District Court Rule 4.3, this program partners with private mediators in the area and the ODR-approved mediation center in Omaha, Concord Center. Mary Lee Brock, director of the Concord Center, is an active partner with DCCMS in providing parenting education to parent-litigants as well as providing center-affiliated mediators for the Rule 4.3 mediator roster. For more information, please see DCCMS Web site at www.co.douglas.ne.us.

March Designated as Mediation Month in Nebraska

On the morning of March 21st, mediation professionals and supporters gathered in the Capitol Rotunda to witness Governor Dave Heineman's signing of a proclamation declaring March as Mediation Month in Nebraska. The proclamation recognizes more than 14 years of conflict resolution services provided by the Nebraska Office of Dispute Resolution, ODR-approved mediation centers, their affiliate mediators and other public and private mediators. State of Nebraska Dispute Resolution Director Debora Brownyard describes the occasion as "a wonderful opportunity to honor and acknowledge all the efforts made by individuals and organizations to make available quality mediation and alternative dispute resolution for Nebraska's citizens."

In her role since 2005 as ODR director, Brownyard oversees six ODR-approved non-profit mediation centers:

Center for Conflict Resolution, Scottsbluff
Rae Ann Schmitz (308) 635-2002

Central Mediation Center, Kearney
Lynne Favinger (308) 237-4692

Concord Center, Omaha
Mary Lee Brock (402) 345-1131

Nebraska Justice Center, Fremont
Kristin Ostrom (402) 753-9415

The Resolution Center, Beatrice
Judy Pingel (402) 223-6061

The Mediation Center, Lincoln
Kelly Phipps (402) 441-5740

Since 1992, the ODR-approved centers have:

- Impacted over 75,000 Nebraskans
- Provided over 50,000 hours of service
- Opened over 20,000 mediation cases
- Served all 93 counties

These efforts have only been made possible through the public-private partnership of ODR and its affiliated mediation centers. The statutorily determined public support for the mediation centers continues to provide a base level of resources to enable the mediation centers to leverage other grant, contract, and private sources to serve the state's citizens with this valuable conflict resolution work.

Debora Brownyard (front right) attends proclamation signing ceremony with Supreme Court Justice Michael McCormack (back right), Governor Heineman (center) and mediation supporters (left to right) Rachel Lempka, Kelly Phipps, Carl Eskridge, Jim Gordon (back), and Linda Sanchez-Masi.



NEBRASKA SUPREME COURT
Office of Public Information

www.nebraskacourt.com

Contact: Janet Bancroft | (402) 471-3730 | jhammer@nsc.state.ne.us